



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-1(b)

ZEICHNER ELLMAN & KRAUSE LLP
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Attorneys for Creditor Bank of America, N.A.

In re:

WILLIAM J. FOCAZIO,

Debtor.

Order Filed on June 19, 2019

by Clerk

U.S. Bankruptcy Court

Chapter 11, District of New Jersey

Case No. 19-10880-(VFP)

Judge:

Hon. Vincent J. Papalia, U.S.B.J.

**ORDER GRANTING MOTION OF CREDITOR
BANK OF AMERICA, N.A., PURSUANT TO 11 U.S.C. 362(d),
VACATING AND ANNULING THE AUTOMATIC STAY FOR CAUSE
AND CONFIRMING THAT SUCH RELIEF IS RETROACTIVE**

The relief set forth on the following pages number 2 and 3, be and is

hereby **ORDERED.**
DATED: June 19, 2019



**Honorable Vincent F. Papalia
United States Bankruptcy Judge**

Honorable Vincent J. Papalia
United States Bankruptcy Judge

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Debtor: WILLIAM J. FOCAZIO

Case No. 19-10880-(VFP)

Caption: ORDER GRANTING MOTION OF CREDITOR BANK OF AMERICA, N.A., PURSUANT TO 11 U.S.C. 362(d), VACATING AND ANNULING THE AUTOMATIC STAY FOR CAUSE AND CONFIRMING THAT SUCH RELIEF IS RETROACTIVE

Upon the motion of Zeichner Ellman & Krause LLP, attorneys for creditor Bank of America, N.A. ("BANA"), pursuant to Bankruptcy Code section 362(d), seeking to vacate and annul the automatic stay for cause regarding certain real property located at 101 Fox Hedge Road, Saddle River, New Jersey (the "Property"), and that such relief be deemed retroactive confirming that the final judgment in the state court foreclosure action is valid and effective, and the Court having considered the moving papers and written submissions of the parties, and entertained oral argument of counsel, if any, and for good cause shown; it is

ORDERED that BANA's motion be and is hereby granted; and it is further

ORDERED, that the automatic stay be and is hereby vacated and annulled to permit BANA to continue with its state law remedies in the state court foreclosure action as against, among others, Debtor and the Property including, without limitation, the Sheriff's Sale of the Property; and it is further

ORDERED, that the final judgment of foreclosure entered on March 28, 2019 in the state court foreclosure against, among others, Debtor and the Property be and is hereby deemed valid and enforceable; and it is further

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Certificate of Notice Page 3 of 4

Debtor: WILLIAM J. FOCAZIO

Case No. 19-10880-(VFP)

Caption: ORDER GRANTING MOTION OF CREDITOR BANK OF AMERICA,
N.A., PURSUANT TO 11 U.S.C. 362(d), VACATING AND ANNULING
THE AUTOMATIC STAY FOR CAUSE AND CONFIRMING THAT
SUCH RELIEF IS RETROACTIVE

ORDERED, that the annulment of the stay be and is hereby deemed retroactive as of the petition date because of: (1) Debtor's failure to notify BANA of his filing and those of his related business entities; and (2) because there is no prejudice to Debtor in permitting such relief as the Property is not part of Debtor's estate, and BANA is not seeking affirmative relief as against Debtor in the state court foreclosure; and it is further

ORDERED, that BANA's counsel serve a conformed copy of this Order on Debtor's counsel, the U.S. Trustee and any other party entering an appearance on BANA's motion.

Certificate of Notice Page 4 of 4
 United States Bankruptcy Court
 District of New Jersey

In re:
 William J Focazio
 Debtor

Case No. 19-10880-VFP
 Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf903

Page 1 of 1
 Total Noticed: 3

Date Rcvd: Jun 19, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 21, 2019.

db +William J Focazio, 101 Fox Hedge Road, Saddle River, NJ 07458-2715
 aty +Roper & Thyne, LLC, Roper & Thyne, LLC, 77 Jefferson Place, Totowa, NJ 07512-2614
 aty +Scura, Wigfield, Heyer, Stevens & Cammarota, LLP, 1599 Hamburg Turnpike, PO Box 2031,
 Wayne, NJ 07470, 9 07474-2031

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 21, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 19, 2019 at the address(es) listed below:

Andrew J. Pincus on behalf of Creditor SB One Bank f/k/a Community Bank of Bergen County, N.J. ap@seidmanllc.com
 Andrew M. Lubin on behalf of Creditor Wilmington Savings Fund Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A bkecf@milsteadlaw.com, alubin@milsteadlaw.com
 Brian E Caine on behalf of Creditor U.S. Bank National Association, not in its individual capacity but solely as Trustee for the RMAC Trust, Series 2016-CTT bcaine@parkermccay.com, BKcourtntices@parkermccay.com
 Daniel F. Corrigan on behalf of Creditor First Commerce Bank dcorrigan@windelsmarx.com, mslama@windelsmarx.com
 David B. Grantz on behalf of Creditor Provident Bank f/k/a The Provident Bank dgrantz@meyner.com, ckelly@meyner.com
 David L. Stevens on behalf of Debtor William J Focazio dstevens@scuramealey.com, ecfbkfilings@scuramealey.com; dsklar@scuramealey.com; mmack@scura.com; lrichard@scura.com; jesposito@scuramealey.com
 David S. Catuogno on behalf of Creditor Oritani Bank david.catuogno@klgates.com
 Edward A. Phillips ephillips@getzlerhenrich.com
 Jerrold S. Kulback on behalf of Creditor Fulton Bank of New Jersey jkulback@archerlaw.com
 Kevin Gordon McDonald on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
 Maria Arnott on behalf of Creditor SB One Bank f/k/a Community Bank of Bergen County, N.J. ma@seidmanllc.com
 Matthew Patrick Dolan on behalf of Creditor Provident Bank f/k/a The Provident Bank mdolan@meyner.com
 Mitchell Hausman on behalf of U.S. Trustee U.S. Trustee Mitchell.B.Hausman@usdoj.gov
 Philip Seth Rosen on behalf of Creditor BANK OF AMERICA, N.A. prosen@zeklaw.com
 Sydney J. Darling on behalf of Trustee Edward A. Phillips sdarling@walsh.law, mvargas@walsh.law
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 16